

*Application No. 10/070862*  
*Page 7*

*Amendment*  
*Attorney Docket No. H01.2I-10378-US01*

**Amendments To The Drawings:**

None.

RECEIVED  
CENTRAL FAX CENTER

009

*Application No. 10/070862*  
*Page 8*

DEC 15 2006 *Amendment*  
*Attorney Docket No. H01.21-10378-US01*

**Remarks**

This Amendment is in response to the Office Action dated **June 15, 2006**.

As a preliminary matter, Applicants note with appreciation the Office's removal of the previous Drawing and Claim objections.

Claims 4, 5, and 15 were rejected in the Office Action, the Office alleging the same to be unpatentable under 35 U.S.C. § 103(a) over U.S. Patent No. 6,001,099 to Huebner ("Huebner") and further in view of U.S. Patent No. 4,955,886 to Pawluk ("Pawluk").

Claims 1 – 3 and 8 – 14 were rejected in the Office Action, the Office alleging the same to be unpatentable under 35 U.S.C. § 103(a) over Huebner further in view of Pawluk and further in view of U.S. Patent No. 3,463,148 to Treace ("Treace").

Finally, claim 17 was rejected in the Office Action, the Office alleging the same to be unpatentable under 35 U.S.C. § 103(a) over Huebner further in view of Pawluk and further in view of U.S. Patent No. 6,454,769 to Wagner et al. ("Wagner").

In the Office Action, the Office stated that claim 16 does not read on the elected species and withdrew claim 16 from further consideration.

The following comments are presented in the same order and with paragraph numbers corresponding to the rejections set forth in the Office Action.

**Claim Rejections—35 U.S.C. § 103(a)**

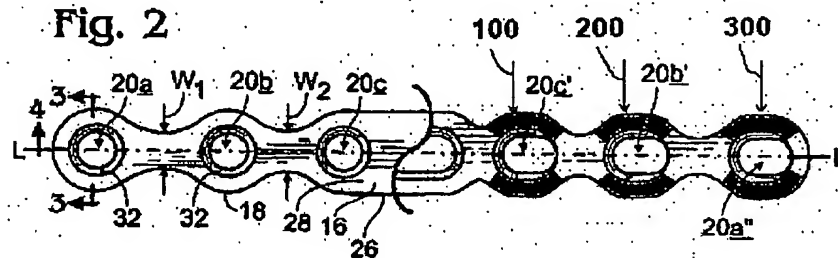
8. Claims 4, 5, and 15 were rejected, the Office alleging the same to be unpatentable under 35 U.S.C. § 103(a) over Huebner and further in view of Pawluk. Applicants respectfully disagree.

Huebner does not disclose a fixation system for bones that includes a

Application No. 10/070862  
Page 9

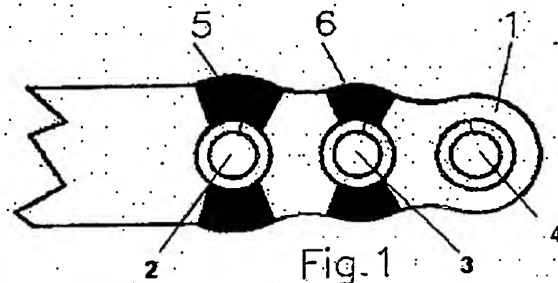
Amendment  
Attorney Docket No. H01.2I-10378-US01

reinforcement (5, 6) that has a widened portion (5, 6) of the force carrier (1), as recited in instant claim 4. Figure 2 of Huebner, modified by Applicant, is presented below:



The shaded portions shown at 100, 200, and 300 of modified FIG. 2 of Huebner represent the areas in which Huebner would have reinforcements if they were taught or suggested in the Huebner specification or drawings. As stated in the instant application at page 6, lines 24-26, a reinforcement is "in the form of a widened portion 5 around hole 2" and a reinforcement is "in the form of a widened portion 6 around hole 3". As can be seen, the shaded portions shown at 100 and 200 of modified FIG. 2 of Huebner do not have widened portions around the holes. That is, they are not reinforced. Instead, the shaded portions 100 and 200 are substantially similar to the shaded portion 300. This is in contrast to what is shown in the instant application and claimed in claim 15.

A slight modified Figure 1 of the instant application is presented below:



As seen in the modified version of FIG. 1, portions 5 and 6 of the force carrier 1 are reinforced.

*Application No. 10/070862*  
*Page 10*

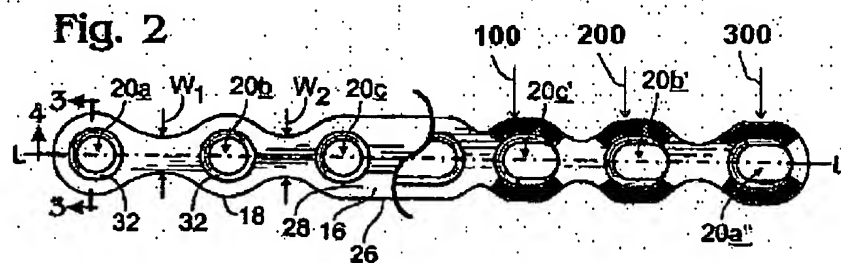
*Amendment*  
*Attorney Docket No. H01.2I-10378-US01*

That is, portions 5 and 6 have widened portions around holes 2 and 3, respectfully. This is in contrast to hole 4, which has no reinforcement.

The addition of Pawluk and any alleged teaching of a tapering thickness design, as argued by the Office, does nothing to address the failure of Huebner to teach or suggest reinforcements with widened portions. As a result, even if there is a teaching, suggestion, or motivation to combine Huebner with Pawluk (which Applicant believes there is not), the proposed combination fails to produce the embodiment of the invention recited in claim 4.

Because claim 5 depends from independent claim 4, which as argued above is nonobvious, claim 5 is nonobvious as well. In light of the foregoing arguments, Applicants respectfully request that the Office removes the rejections to claims 4 and 5.

Regarding independent claim 15, Huebner fails to teach or suggest reinforcements at all. The modified version of FIG. 2 of Huebner previously presented is reproduced below:

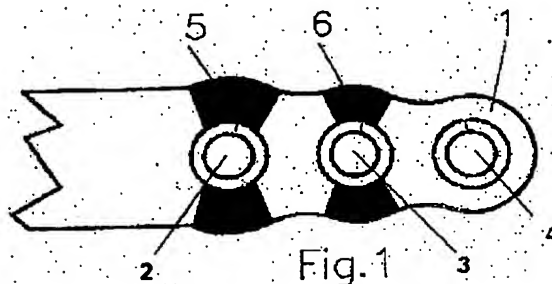


The shaded portions shown at 100, 200, and 300 of modified FIG. 2 of Huebner represent the areas in which Huebner would have reinforcements if they were taught or suggested in the Huebner specification or drawings. As can be seen, the shaded portions shown at 100 and 200 of modified FIG. 2 of Huebner are substantially similar to the shaded portion shown at 300. Thus, shaded portions 100 and 200 cannot be said to be reinforced. This is in contrast to what is shown in the instant application and claimed in claim 15.

*Application No. 10/070862*  
*Page 11*

*Amendment*  
*Attorney Docket No. H01.2I-10378-US01*

Shown below is the previously presented modified version of FIG. 1 of the instant application:



As seen in the modified version of FIG. 1, shaded portions 5 and 6 of the force carrier 1 are reinforced relative to their respective holes 2 and 3. This is in contrast to hole 4, which has no reinforcement, like the holes in Huebner.

Huebner, therefore, fails to teach or suggest all the elements of instant claim 15. The addition of Pawluk and any alleged teaching of a tapering thickness design, as argued by the Office, does nothing to address the failure of Huebner to teach or suggest reinforcements. As a result, even if there is a teaching, suggestion, or motivation to combine Huebner with Pawluk (which Applicant believes there is not), the proposed combination fails to produce the embodiment of the invention recited in claim 15.

In light of the foregoing arguments, Applicants respectfully request that the Office removes the rejections to claim 15.

10. In the Office Action, claims 1 – 3 and 8 – 14 were rejected, the Office alleging the same to be unpatentable under 35 U.S.C. § 103(a) over Huebner further in view of Pawluk and further in view of Treace. Applicants respectfully disagree.

As argued extensively above, Huebner fails to teach or suggest using

*Application No. 10/070862*  
*Page 12*

*Amendment*  
*Attorney Docket No. H01.2I-10378-US01*

reinforcements with widened portions, as recited in claim 4, from which claims 1 – 3 and 8 – 14 depend. Even if there was a teaching, suggestion, or motivation to combine Huebner with Pawluk and Treace (which Applicants believe there is not), the proposed combination still fails to produce the claimed embodiment of the invention as claimed in claims 1 – 3 and 8 – 14.

Regarding claim 1, the addition of any holes obliquely inclined towards each other, as the Office alleges is disclosed in Treach, with Huebner and Pawluk, does nothing to address the failure of Huebner to teach or suggest the use of reinforcements with widened portions around the holes, as required by base claim 4.

Regarding claim 2, the addition of any enlarged cross-sections and/or area of the force carrier, as the Office alleges is disclosed in Huebner, does nothing to address the failure of Huebner to teach or suggest the use of reinforcements with widened portions, as required by base claim 4. Because claim 3 depends from claim 2, which as argued above is nonobvious, claim 3 is likewise nonobvious.

Because claims 8 – 14 depend from independent claim 4, which as argued above is nonobvious, claims 8 – 14 are likewise nonobvious.

In light of the foregoing arguments, Applicants respectfully request that the Office removes the rejections to claims 1 – 3 and 8 – 14.

15. Claim 17 was rejected, the Office alleging the same to be unpatentable under 35 U.S.C. § 103(a) over Huebner in view of Pawluk and further in view of Wagner. Applicants respectfully disagree.

As argued extensively above, Huebner fails to teach or suggest using reinforcements 5, 6 around the holes of the force carrier, as recited in claim 17. Even if there was

*Application No. 10/070862*  
*Page 13*

*Amendment*  
*Attorney Docket No. H01.2I-10378-US01*

a teaching, suggestion, or motivation to combine the alleged teachings of conical threads in Wagner with Huebner and Pawluk (which Applicants believe there is not), the proposed combination still fails to produce the claimed embodiment of the invention as claimed in claim 17.

In light of the foregoing arguments, Applicants respectfully request that the Office removes the rejections to claim 17.

### Conclusion

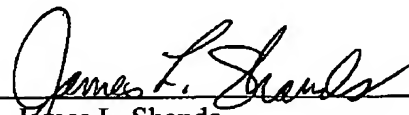
In view of the foregoing arguments, Applicants believe that the application is in condition for allowance. Early action to the effect is earnestly solicited.

Should the Examiner believe that anything further would be required to put the application in better condition for allowance, the Examiner is invited to contact the Applicants' undersigned representative at the number listed below.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: 12/15/06

By:   
James L. Shands  
Registration No.: 54,439

6109 Blue Circle Drive, Suite 2000  
Minnetonka, MN 55343-9185  
Telephone: (952) 563-3000  
Facsimile: (952) 563-3001

f:\wpwork\raa\10378us01\_amd\_20060223.doc

*Application No. 10/070862*  
*Page 13*

*Amendment*  
*Attorney Docket No. H01.2I-10378-US01*

a teaching, suggestion, or motivation to combine the alleged teachings of conical threads in Wagner with Huebner and Pawluk (which Applicants believe there is not), the proposed combination still fails to produce the claimed embodiment of the invention as claimed in claim 17.

In light of the foregoing arguments, Applicants respectfully request that the Office removes the rejections to claim 17.

#### **Conclusion**

In view of the foregoing arguments, Applicants believe that the application is in condition for allowance. Early action to the effect is earnestly solicited.

Should the Examiner believe that anything further would be required to put the application in better condition for allowance, the Examiner is invited to contact the Applicants' undersigned representative at the number listed below.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: \_\_\_\_\_

By: \_\_\_\_\_

James L. Shands  
Registration No.: 54,439

6109 Blue Circle Drive, Suite 2000  
Minnetonka, MN 55343-9185  
Telephone: (952) 563-3000  
Facsimile: (952) 563-3001

f:\wpwork\jls\10378us01\_and\_20061214.doc



**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

**BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ BLACK BORDERS
- ☐ IMAGE CUT OFF AT TOP, BOTTOM OR SIDES
- ☐ FADED TEXT OR DRAWING
- ☐ BLURRED OR ILLEGIBLE TEXT OR DRAWING
- ☐ SKEWED/SLANTED IMAGES
- ☐ COLOR OR BLACK AND WHITE PHOTOGRAPHS
- ☐ GRAY SCALE DOCUMENTS
- ☒ LINES OR MARKS ON ORIGINAL DOCUMENT
- ☐ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY
- ☐ OTHER: \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**